

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 14, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Jen Gross (D)
Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 129, 2/23/2017; HB 44, 3/9/2017; HB 94, 3/9/2017
Executive Action: SB 172-Do Pass As Amended, SB 280-Do Pass As Amended,
SB 276-Do Pass As Amended, HB 350-Be Concurred In,
HB 349-Be Concurred In As Amended,
HB 77-Be Concurred In As Amended

HEARING ON HB 44

Opening Statement by Sponsor:

00:01:47 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 44, Generally revise laws related to district court judge numbers.

Proponents' Testimony:

00:05:32 Kris Hansen, former Senator, Havre

00:12:14 Chief Justice Mike McGrath, Montana Supreme Court

[EXHIBIT\(jus53a01\)](#)

00:22:33 Judge Greg Todd, 13th Judicial District, Yellowstone County

[EXHIBIT\(jus53a02\)](#)

00:28:12 Judge Mary Jane Knisley, 13th Judicial District, Yellowstone County

00:33:55 Judge John Larson, 4th Judicial District, Missoula/Mineral County

[EXHIBIT\(jus53a03\)](#)

[EXHIBIT\(jus53a04\)](#)

[EXHIBIT\(jus53a05\)](#)

00:38:54 Webb Brown, Montana Chamber of Commerce

00:40:18 Bruce Spencer, president, State Bar of Montana

00:42:03 Robin Driscoll, county commissioner, Yellowstone County (YC)

00:43:14 Mark Murphy, Montana County Attorneys Association

00:45:01 Don Judge, Montana Trial Attorneys Association

00:45:36 Greg Mohr, Montana Magistrates Association

00:46:07 Ed Bartlett, Montana Judges Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:47:07 Sen. Swandal

00:47:27 Ms. Driscoll, YC

00:48:12 Chairman Regier

00:48:21 Ms. Driscoll

00:48:41 Sen. Fielder

00:49:25 Mr. Larson

00:55:37 Sen. Sands

00:56:14 Beth McLaughlin, court administrator, Montana Supreme Court

00:57:19 Chairman Regier

00:57:36 Mr. McGrath

Closing by Sponsor:

01:04:28 Rep. Essmann

HEARING ON HB 129

Opening Statement by Sponsor:

01:08:00 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 129, Revising laws related to privacy in communications.

Proponents' Testimony:

01:10:43 Mark Murphy, Montana County Attorneys Association (MCAA)

01:14:34 Tucker Finley, Montana Public Interest Research Group

01:15:11 Jessie Luther, Motion Picture Association of America

Opponents' Testimony:

01:16:56 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony:

01:18:50 S.K. Rossi, ACLU/MT

Questions from Committee Members and Responses:

01:19:22 Sen. Swandal

01:19:47 Mr. Murphy, MCAA

01:22:32 Sen. Hinkle

01:23:28 Rep. Hill Smith

01:25:12 Mr. Murphy

01:26:44 Chairman Regier

01:26:50 Rep. Hill Smith

01:27:25 Mr. Murphy

01:28:38 Sen. Sands

01:29:04 Mr. Murphy

Closing by Sponsor:

01:36:31 Rep. Hill Smith

HEARING ON HB 94

Opening Statement by Sponsor:

01:37:31 Rep. Frank Garner (R), HD 7, opened the hearing on HB 94, Generally revise public safety officer standards/training council laws.

Proponents' Testimony:

01:40:35 Perry Johnson, executive director, Public Officers Standards and Training Council (POST)
 01:43:52 Jerry Williams, executive director, Montana Police Protective Association
 01:44:50 Harold Blattie, executive director, Montana Association of Counties (MACo)

Opponents' Testimony:

01:45:41 Jon Metropoulos, Missoula Correctional Services
 01:50:11 Erin McGowan, Montana Community Corrections Association
 01:50:59 Greg Mohr, Montana Magistrates Association

Informational Testimony:

None

Questions from Committee Members and Responses:

01:52:48 Sen. MacDonald
 01:53:21 Mr. Blattie, MACo
 01:54:37 Sen. Fielder
 01:55:09 Rep. Garner
 01:55:27 Mr. Johnson, POST
 02:00:57 Sen. MacDonald
 02:01:23 Mr. Johnson

Closing by Sponsor:

02:05:47 Rep. Garner
 02:07:18 Recess
 02:20:18 Reconvene

Sen Swandal absent from the room.

EXECUTIVE ACTION ON SB 172

02:21:05 **Motion:** Sen. Fielder moved that **SB 172 DO PASS.**

02:21:44 **Motion:** Sen. Fielder moved that **SB 172 BE AMENDED.**
[EXHIBIT\(jus53a06\)](#)

Discussion:

02:23:12 Julianne Burkhardt, Legislative Services Division
 02:24:25 Sen. Fielder
 02:24:38 Sen. Sands
 02:25:09 Sen. MacDonald
 02:26:09 Sen. Fielder

02:27:09 **Vote:** Motion carried unanimously by voice vote. Sen. Gross, Sen. S. Sales and Sen. Swandal voted by proxy.

02:27:41 **Motion:** Sen. Fielder moved that **SB 172 DO PASS AS AMENDED.**

Discussion:

02:28:00 Sen. Sands
02:28:16 Sen. Hinkle
02:28:51 Sen. Fielder

Sen. Swandal entered the hearing room.

02:29:34 Sen. Sands

02:30:15 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 280

02:31:00 **Motion:** Sen. Fielder moved that **SB 280 DO PASS.**

Discussion:

02:31:14 Julianne Burkhardt, Legislative Services Division (LSD)
02:33:27 Sen. Sands

02:33:40 **Motion/Vote:** Sen. K. Regier moved that **SB 280 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

[**EXHIBIT\(jus53a07\)**](#)

02:34:02 **Motion:** Sen. Fielder moved that **SB 280 DO PASS AS AMENDED.**

02:34:10 **Motion:** Sen. Fielder moved that **SB 280 BE AMENDED.**

[**EXHIBIT\(jus53a08\)**](#)

Discussion:

02:34:50 Ms. Burkhardt, LSD
02:35:48 Chairman Regier
02:35:54 Sen. Vincent
02:36:15 Chairman Regier
02:36:24 Sen. Swandal
02:36:43 Ms. Burkhardt
02:37:12 Sen. Fielder
02:37:27 Ms. Burkhardt
02:37:59 Sen. MacDonald

02:38:22 **Vote:** Motion carried 9-2 by roll call vote with Sen. Fielder and Sen. Hinkle voting no. Sen. Gross and Sen. S. Sales voted by proxy.

02:39:04 **Motion:** Sen. Fielder moved that **SB 280 DO PASS AS AMENDED.**

Discussion:

02:39:13 Sen. Hinkle
02:39:30 Ms. Burkhardt

02:39:38 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 276

02:40:33 **Motion:** Sen. Fielder moved that **SB 276 DO PASS.**

Discussion:

02:40:55 Julianne Burkhardt, Legislative Services Division

02:41:36 **Motion/Vote:** Sen. Fielder moved that **SB 276 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

EXHIBIT(jus53a09)

02:43:12 **Motion:** Sen. Fielder moved that **SB 276 DO PASS AS AMENDED.**

Discussion:

02:43:17 Sen. MacDonald
02:44:43 Chairman Regier
02:45:06 Sen. Fielder
02:47:03 Sen. Hinkle
02:47:40 Sen. Sands

02:48:22 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 350

02:49:08 **Motion:** Sen. Fielder moved that **HB 350 BE CONCURRED IN.**

Discussion:

02:49:32 Sen. Sands

02:49:47 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 349

02:50:29 **Motion:** Sen. Fielder moved that **HB 349 BE CONCURRED IN.**

02:51:03 **Motion/Vote:** Sen. Fielder moved that **HB 349 BE AMENDED.** Motion carried 10-1 by voice vote with Sen. MacDonald voting no. Sen. Gross and Sen. S. Sales voted by proxy.

EXHIBIT(jus53a10)

02:51:43 **Motion:** Sen. Fielder moved that **HB 349 BE CONCURRED IN AS AMENDED.**

Discussion:

02:52:01 Sen. Sands

02:52:12 **Vote:** Motion carried 10-1 by voice vote with Sen. MacDonald voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 77

02:52:57 **Motion:** Sen. Fielder moved that **HB 77 BE CONCURRED IN.**

Discussion:

02:53:14 Julianne Burkhardt, Legislative Services Division (LSD)

02:54:09 **Motion:** Sen. Swandal moved that **HB 77 BE AMENDED.**

EXHIBIT(jus53a11)

Discussion:

02:55:36 Sen. Sands

02:55:40 Sen. Swandal

02:55:43 Sen. Boland

02:55:59 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

02:56:17 **Motion:** Sen. Fielder moved that **HB 77 BE CONCURRED IN AS AMENDED.**

02:56:28 **Motion:** Sen. Fielder moved that **HB 77 BE AMENDED.**

EXHIBIT(jus53a12)

Discussion:

02:56:37 Ms. Burkhardt, LSD

02:58:50 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

02:59:03 **Motion/Vote:** Sen. Fielder moved that **HB 77 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

Committee Business:

03:00:18 Chairman Regier
03:00:45 Sen. Hinebauch
03:01:11 Sen. Sands

ADJOURNMENT

Adjournment: 12:01 P.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus53aad.pdf](#))